

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOMINIC CASTLEBERRY,

Plaintiff,

v.

Case Number 07-10293-BC
Honorable Thomas L. Ludington

NEUMANN & CANJAR, NEUMANN
LAW P.C., MARTIN H. NEUMANN,

Defendants.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND TRANSFERRING THE CASE
TO THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on August 8, 2007. The magistrate judge recommended that Plaintiff Dominic Castleberry's case be transferred to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1406(a), because venue lies in that district under 28 U.S.C. § 1391(b).

Plaintiff has filed no objections to the magistrate judge's report and recommendation. The absence of any objections to the report and recommendation from Plaintiff constitutes a waiver of any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #32] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's case is **TRANSFERRED** to the United States District Court for the Western District of Michigan. The Clerk is directed to forward all filings in this case to the Western District.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 28, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 28, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS